

REMARKS

Reconsideration and allowance of this application in light of the foregoing amendments and accompanying remarks is respectfully requested.

REQUEST TO THE EXAMINER TO ACKNOWLEDGE
RECEIPT BY THE U.S. PATENT AND TRADEMARK
OFFICE OF THE PRIORITY DOCUMENT

Item 12(a)(1) of the Office Action Summary states that the certified copy of the priority document has not been received. Enclosed with this Response And Amendment is a copy of the certified copy of the priority document which was previously sent to the Patent Office along with (1) the "RESPONSE TO NOTICE TO FILE MISSING PARTS OF NON-PROVISIONAL APPLICATION" (copy enclosed), and (2) a self-addressed postcard (copy enclosed). These documents were received in the Patent Office on June 12, 2001 as indicated by the Patent Office receipt stamp shown on the copy of the postcard.

Accordingly, the Examiner is requested to indicate that the certified copy of the priority document has been received by the Patent Office.

THE ALLOWABLE CLAIMS

Applicants note with appreciation the Examiner's indication that claims 3-5, 7, and 8-14 would be allowable if (1) the claims were re-written as necessary to overcome the rejections

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under 35 U.S.C. §112, and (2) the claims 3-5 and 7 were re-written in independent form.

THE SPECIFICATION AND ABSTRACT AMENDMENTS

The specification has been amended to add headings to the specification, and the Abstract has been re-written and presented on a separate replacement sheet for page 15 of the specification. The re-written Abstract differs from the original Abstract only in that the word "said" in the second line of the original Abstract has been replaced by the word --the--.

No new matter has been added to the specification or Abstract.

The changes to the specification and Abstract are supported by the application as originally filed.

THE CLAIMS ARE ALLOWABLE

--Claim 1 Is Canceled

Claim 1 has been canceled to simplify the issues and reduce the number of claims.

Applicants do not agree with the Examiner's rejection of the claim 1. Claim 1 has been canceled to simplify the issues and reduce the number of claims only for the purpose of advancing prosecution of the present application. Claim 1 may be represented subsequently in a continuation application.

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--Claims 3, 4, 5, and 7 Are Allowable

Claims 3, 4, 5, and 7 have been amended to place each of them in independent form.

Each claim 3, 4, 5, and 7, as amended, includes the limitations of the original independent base claim 1 except that the original independent base claim 1 feature relating to the optional gasket (5) has been deleted, thus making the re-written, independent claims 3, 4, 5, and 7 each broader and more clear. The optional gasket feature was eliminated from the re-written independent claims 3, 4, 5, and 7 in view of the Examiner's indefiniteness objection to original claim 1.

The claims 3, 4, 5, and 7 have also been amended to make a clarifying, but not narrowing, change relating to the location of the abutment web (20). Specifically, in independent claim 1 as originally filed, the phrase "serving to come into abutment against" has been replaced by the more clear phrase --adapted to be located at--. This amendment clarifies and broadens, or at least does not narrow, the scope of the re-written independent claims 3, 4, 5, and 7.

The above-discussed amendments to claims 3, 4, 5, and 7, and the re-writing of the claims 3, 4, 5, and 7 as independent claims, do not narrow the scope of the claims 3, 4, 5, and 7 within the meaning of Festo Corp. v. Shoketsu Kozoku Kogyo Kabushiki Co., 535 U.S. 722 (2002).

In view of the fact that the Examiner indicated that the original dependent claims 3, 4, 5,

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and 7 would be allowable if re-written in independent form, allowance of the claims re-written as the new independent claims 3, 4, 5, and 7, respectively, is respectfully requested.

--Claims 2 And 6 Are Allowable

Claims 2 and 6 have been amended only to make them dependent upon new independent claim 3 instead of original independent claim 1 (now canceled). The scope of claims 2 and 6 has not been narrowed within the meaning of Festo Corp. v. Shoketsu Kozoku Kogyo Kabushiki Co., 535 U.S. 722 (2002). In view of the fact that claim 3, as re-written in independent form, should be allowable as indicated by the Examiner, claims 2 and 6, which are now dependent upon re-written independent claim 3, should also be allowable. Allowance of claims 2 and 6 is respectfully requested.

--Claims 8-14 Are Allowable

Independent claim 8 has been amended in three respects--none of them being a narrowing amendment. The amendments have been made to claim 8 in view of the Examiner's indefiniteness rejections set forth in the third paragraph of item 3 of the Official Action.

The second subparagraph of claim 8 has been amended to delete the phrase "such as a pump or a valve" so as to make the claim more definite, but not narrower.

The first line of the third subparagraph of independent claim 8 has been amended to

replace the article “a” with the word --said-- to make the claim even more clear, but not narrower.

The fourth and fifth lines of the third subparagraph of original independent claim 8 (the third line of the third paragraph in the amended claim presented herein) have been amended to delete the phrase “with a gasket (5) optionally being interposed” so as to make the claim even more clear without narrowing the scope of the claim.

The scope of claim 8 has not been narrowed within the meaning of Festo Corp. v. Shoketsu Kozoku Kogyo Kabushiki Co., 535 U.S. 722 (2002).

In view of the Examiner’s determination that claim 8 would be allowable if amended to overcome the indefiniteness rejections, allowance of claim 8 is requested.

Also, in view of the fact that claim 8 is allowable, dependent claims 9-14, which are each dependent upon claim 8, are believed to be allowable. Allowance of claims 9-14 is requested.

--All Of The Claims Are Allowable

In view of the non-narrowing amendments to the claims as discussed above, it is believed that the claims are now even more clear and definite.

In view of the re-writing of the claims 3, 4, 5, and 7 as independent claims, in view of the changing of the dependencies of claims 2 and 6 to be dependent upon re-written independent

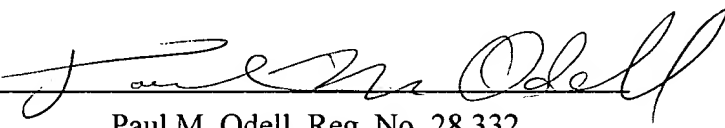
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claim 3, in view of the clarifying amendments to claim 8, and in view of the cancellation of original independent claim 1, it is believed that all of the claims remaining in the application are in condition for allowance.

Further, it is believed that this entire application is now in condition for allowance, and such action is respectfully requested.

Respectfully submitted,

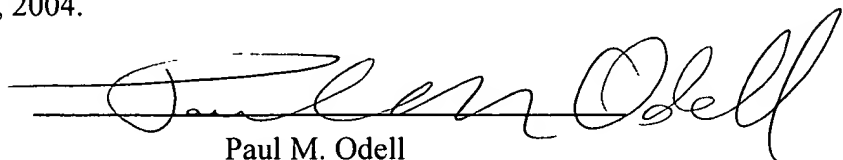
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CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with sufficient postage as First Class Mail in an envelope addressed to Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450, on February 18, 2004.


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